



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

FEB 03 2016

UNITED PARCEL SERVICE

Mr. William Teasdale  
Site Director  
BASF Corporation  
554 Engelhard Drive  
Seneca, South Carolina 29678

RE: BASF – Seneca Plant  
Notice of Potential Violations and Opportunity to Show Cause

Dear Mr. Teasdale:

Based on information from the National Response Center and a follow-up investigation, the U. S. Environmental Protection Agency has determined that your company may potentially be in violation of Section 103(a) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. § 9603(a) and Section 304(a) of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), 42 U.S.C. § 11004, and the regulations promulgated at 40 C.F.R. § 302.6 and 40 C.F.R. Part 355, Subpart C, respectively.

Such potential violations may be subject to an enforcement action pursuant to Section 109 of CERCLA, 42 U.S.C. § 9609 and Section 325 of EPCRA, 42 U.S.C. § 11045 which provides for the administrative assessment of penalties, and/or the initiation of civil action. The EPA is offering BASF Corporation the opportunity to meet with the EPA to present any factual information or other evidence relative to this matter. Therefore, we request that you be present at the EPA, Sam Nunn Atlanta Federal Center (SNAFC), 61 Forsyth Street, S.W., Atlanta, Georgia, on Tuesday, March 8, 2016, at 10:00 a.m., to show cause why this Agency should not initiate administrative proceedings to assess civil penalties. You should allow adequate time to reach the SNAFC 9<sup>th</sup> floor reception area from the parking lot. An estimated 30 minutes is recommended. Enclosed is a listing of the potential violations which have been identified at your company's facility, the EPA Region 4 facilities guest access requirements, and a copy of the EPA EPCRA Enforcement Response Policy. You should be prepared to provide all relevant information with documentation pertaining to the potential violations. You have the right to be represented by legal counsel.

## POTENTIAL VIOLATIONS

### Section of Potential Violations

### Nature of Potential Violations

CERCLA 103(a)

Failure to immediately notify the National Response Center after a reportable quantity (RQ) of nitrogen dioxide was released from your facility located at 554 Engelhard Drive, Seneca, SC on April 2, 2015.

EPCRA Section 304(a)

Failure to immediately notify the State Emergency Response Commission (SERC) and the Local Emergency Planning Committee (LEPC) after a RQ of nitrogen dioxide was released from your facility located at 554 Engelhard Drive, Seneca, SC on April 2, 2015.

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## Spill Summary Report for NRC Report #1114274

Report Date: 4/22/2015

Report Time: 6:44 AM EDT

## Region IV Hotline Log Entry Information

Data ID: 1758670

Date Of Report: 21-APR-15 13:41

NRC #: 1114274

State #:

ERNS #:

Material Type: Haz

Receiver:

Material / Amount:

NITROGEN DIOXIDE (36.5 POUND(S));

Location:

City: SENECA

County: OCONEE

State: SC

Source of Pollution:

BASF CORPORATION

Water Body:

State Or EPA Responded:

Initial EPA Action:

Status:

2 - Closed

URL:

## NRC Spill Report

NATIONAL RESPONSE CENTER 1-800-424-8802

\*\*\*GOVERNMENT USE ONLY\*\*\*GOVERNMENT USE ONLY\*\*\*

Information released to a third party shall comply with any applicable federal and/or state Freedom of Information and Privacy Laws

Incident Report # 1114274

INCIDENT DESCRIPTION~~Incident Type: FIRE~~

Incident Cause: EQUIPMENT FAILURE

\*Report taken by: CIV REVIN WILLIAMS at 13:41 on 21-APR-15

Affected Area:

Incident occurred on 02-APR-15 at 16:15 local incident time.

Affected Medium: AIR TO THE AIR

*318 days, 21 hrs, 21 mins*REPORTING PARTY

Name: ALLISON RANSON

Organization: BASF CORPORATION

Address: 554 ENGELHARD DRIVE

SENECA, SC 29678

Email Address: allison.ranson@basf.com

PRIMARY Phone: (864)8851366

Type of Organization: PRIVATE ENTERPRISE

SUSPECTED RESPONSIBLE PARTY

Name: ALLISON RANSON

Organization: BASF CORPORATION

Address: 554 ENGELHARD DRIVE

SENECA, SC 29678

PRIMARY Phone: (864)8851366

Type of Organization: PRIVATE ENTERPRISE

INCIDENT LOCATION

554 ENGELHARD DRIVE County: OCONEE

City: SENECA State: SC Zip: 29678

RELEASED MATERIAL(S)

CHRIS Code: NCC Official Material Name: NO CHRIS CODE

Also Known As: NITROGEN DIOXIDE

Qty Released: 36.5 POUND(S) *318 days**RQ = 10#**CAS: 10544-72-6 NON-EHS**CAS: 10102-44-0 EHS*DESCRIPTION OF INCIDENT

21-APR-15 13:52 (919)7150919  
NATIONAL INFRASTRUCTURE COORD CTR (MAIN OFFICE)  
21-APR-15 13:52 (202)2829201  
NOAA RPTS FOR SC (MAIN OFFICE)  
21-APR-15 13:52 (206)5264911  
NATIONAL RESPONSE CENTER HQ (AUTOMATIC REPORTS)  
21-APR-15 13:52 (202)2671136  
DOI FOR REGION 4 (MAIN OFFICE)  
21-APR-15 13:52 (404)3314524  
REPORTING PARTY (RP SUBMITTER)  
21-APR-15 13:52  
SC DHS TSA COORDINATION CENTER (COORDINATION CENTER)  
21-APR-15 13:52 (803)4515181  
SC EMERGENCY MANAGEMENT DIVISION (MAIN OFFICE)  
21-APR-15 13:52 (803)7378500  
SEAHAWK IOC (INTER-AGENCY OPERATIONS CENTER)  
21-APR-15 13:52 (803)2060971  
GEORGIA EMERGENCY MNGMT AGENCY (MAIN OFFICE)  
21-APR-15 13:52 (404)6357200  
STATE OF NORTH CAROLINA DENR (MAIN OFFICE)  
21-APR-15 13:52 (919)8076300  
SC DEPT OF ENV CNTL ATTN: ERS (MAIN OFFICE)  
21-APR-15 13:52 (803)2536488  
USCG DISTRICT 7 (MAIN OFFICE)  
21-APR-15 13:52 (305)4156800  
USCG DISTRICT 7 (PREVENTION DEPT)  
21-APR-15 13:52 (305)4156838

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ADDITIONAL INFORMATION

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\*\*\* END INCIDENT REPORT # 1114274 \*\*\*  
Report any problems by calling 1-800-424-8802  
PLEASE VISIT OUR WEB SITE AT <http://www.nrc.uscg.mil>



# SUMMARY OF EPCRA VIOLATIONS AND PROPOSED PENALTY

(For Settlement Purposes Only)

## I. Facility Information

BASF Corporation  
554 Engelhard Dr  
Seneca, SC 29678

Number of Employees: \_\_\_\_\_

Annual Sales: \_\_\_\_\_

## II. Penalty Calculation Table

Violation	Chemical	Quantity Pounds	RQ Lbs	Days/Hours Late	Matrix Cell	Maximum Penalty	Proposed Penalty, \$
CERCLA §103	Nitrogen Dioxide	36.5	10	>2 hrs	1C	\$17,710	\$17,710
EPCRA §304(a)	Nitrogen Dioxide	36.5	10	>2 hrs	1C	\$35,420 (2x\$17,710) (2 RL) LEPC SERC	\$17,710
EPCRA §304(c)							
Sub Total						\$53,130	\$35,420
Base Penalty (rounded to nearest \$100)							\$35,400
Cooperation (Attitude) -25%							(\$8,850)
Willingness Settle in 90 Days -10%							(\$3,540)
Other Reduction Consideration							\$0
Total Adjustment Factors							(\$12,390)
Total Proposed Adjusted Penalty							\$23,010

## II. SEP

Minimum Penalty to U.S. Treasury (25%):	\$5,753
Proposed SEP Expenditure @ (\$1/\$1):	\$17,258
Proposed SEP Expenditure @ (80c/\$1):	\$21,572
Actual SEP Credit:	\$17,258



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## GUEST ACCESS REQUIREMENTS

All non-federal personnel visiting EPA Region 4 facilities must present an unexpired government-issued photo ID and sign in at the reception desk before being granted access. In addition, the visitor must be escorted by an EPA employee while in the facility.

Most individuals present their state issued driver's license as identification. However, as of July 21, 2014, per the Department of Homeland Security REAL ID Act, the below listed driver's licenses are not compliant with the REAL ID Act and therefore will not be accepted as proof of identification for admittance:

Alaska	Massachusetts
American Samoa	Minnesota*
Arizona	New York*
Louisiana	Oklahoma
Maine	Washington*

\*(Please note: Enhanced driver's Licenses {Those with holograms of US flag and/or second picture of the individual} from Minnesota, New York and Washington are acceptable)

Please inform you guest of the REAL ID ACT requirements in advance of their visit. Acceptable alternative documents are as follows:

ONE OF THESE	or	TWO OF THESE (one must be a photograph)
Federal issued ID		ID card issued by federal state or local government
U.S. Passport		School ID
Permanent resident card (green card)		Voter registration card
Foreign Passport		Native American Tribal document
U.S. Military ID		Social Security card
		Birth certificate
		U.S. citizen ID card
		Student green card
		Employment Authorization document issued by the Department of Homeland Security



## UPS CampusShip: View/Print Label

1. **Ensure there are no other shipping or tracking labels attached to your package.** Select the Print button on the print dialog box that appears. Note: If your browser does not support this function select Print from the File menu to print the label.
2. **Fold the printed label at the solid line below.** Place the label in a UPS Shipping Pouch. If you do not have a pouch, affix the folded label using clear plastic shipping tape over the entire label.

3. **GETTING YOUR SHIPMENT TO UPS****Customers with a Daily Pickup**

Your driver will pickup your shipment(s) as usual.

**Customers without a Daily Pickup**

Take your package to any location of The UPS Store®, UPS Access Point(TM) location, UPS Drop Box, UPS Customer Center, UPS Alliances (Office Depot® or Staples®) or Authorized Shipping Outlet near you. Items sent via UPS Return Services(SM) (including via Ground) are also accepted at Drop Boxes. To find the location nearest you, please visit the Resources area of CampusShip and select UPS Locations.

Schedule a same day or future day Pickup to have a UPS driver pickup all your CampusShip packages.

Hand the package to any UPS driver in your area.

UPS Access Point™

VINTAGE THE BARBER SHOP

55 FORSYTH ST NW

ATLANTA, GA 30303

FOLD HERE

UPS Access Point™

SUPER 7 PIZZA SHOPPE

110 CENTENNIAL OLYMPIC

PARK DR SW

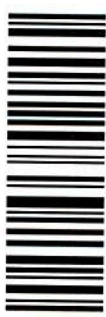
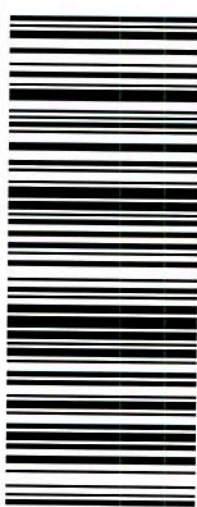

ATLANTA, GA 30313

UPS Access Point™

THE LETTERBOX GENERAL  
STORE

134 PEACHTREE ST SW

ATLANTA, GA 30303

EDDIE CHOW 4045629186 US EPA - REGION 4 61 FORSYTH ST SW ATLANTA, GA 30303	0.0 LBS LTR 1 OF 1	SHIP TO: MR. WILLIAM TEASDALE BASF CORPORATION 554 ENGELHARD DRIVE SENECA SC 29678-1700	SC 296 1-01 	UPS 2ND DAY AIR TRACKING #: 1Z WR2 574 02 9934 5693 2		BILLING: P/P Reference # 1: PTSB CS 18 0 22 WNTNVS0 72 0A 01/2016 
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